



State of New Jersey

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DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF LAW  
124 HALSEY STREET

PO BOX 45029

NEWARK, NJ 07101

E-Mail: kurdigra@smtp.lps.state.nj.us

(973) 648-3762

January 23, 2001

CHRISTINE TODD WHITMAN  
Governor

JOHN J. FARMER, JR.  
Attorney General

JEFFREY J. MILLER  
Assistant Attorney General  
Director

Via UPS Next Day Air Mail

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
Office of the Secretary  
445-12th Street, S.W.  
Room TW-204B  
Washington, D.C. 20554

RECEIVED

JAN 24 2001

FCC MAIL ROOM

Re: **I/M/O New Jersey Board of Public Utilities  
Petition for Delegated Authority to Implement  
Number Conservation Measures  
CC Docket No. 96-98; File NSD-L-00-95**

Dear Secretary Salas:

Enclosed please find an original and five (5) copies of a Motion Requesting Emergent Action on behalf of the New Jersey Board of Public Utilities regarding the above-referenced matter.

Please file-stamp one copy and return it to me in the enclosed self-addressed envelope. Thank you for your attention in this matter.

Very truly yours,

JOHN J. FARMER, JR.  
ATTORNEY GENERAL OF NEW JERSEY

By: Grace S. Kurdian  
Grace S. Kurdian  
Deputy Attorney General

c: Herbert H. Tate, President  
Frederick F. Butler, Commissioner  
Frances L. Smith, Esq., Secretary  
John G. Valeri, Jr., Chief of Staff  
Alyssa Weinberger, Executive Director  
Anthony Centrella

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I/M/O New Jersey Board of Public Utilities  
Petition for Delegated Authority to Implement  
Number Conservation Measures  
CC Docket No. 96-98; File No. NSD-L-00-95

Service List

Lynda L. Dorr  
Secretary to the Commission  
Public Service Commission of Wisconsin  
610 North Whitney Way  
P.O. Box 7854  
Madison, WI 53707-7854

Joseph Assenzo  
General Attorney  
Sprint PCS  
4900 Main Street, 11th Floor  
Kansas City, MO 64112

Lee Schroeder  
Vice President, Government &  
Regulatory Strategy  
Cablevision Lightpath, Inc.  
1111 Stewart Avenue  
Bethpage, New York 11714-3581

Samuel F. Cullari  
Manager, Government &  
Regulatory Strategy  
Cablevision Lightpath, Inc.  
1111 Stewart Avenue  
Bethpage, New York 11714-3581

Cherie R. Kiser  
Mintz, Levin, Cohn, Ferris, Glovsky  
701 Pennsylvania Avenue, NW  
Washington, DC 20004-2608

Robin E. Tuttle  
Mintz, Levin, Cohn, Ferris, Glovsky  
701 Pennsylvania Avenue, NW  
Washington, DC 20004-2608

Richard Metzger  
Focal Communications Corporation  
7799 Leesburg Pike  
Suite 850 N  
Falls Church, VA 22043

I/M/O New Jersey Board of Public Utilities  
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CC Docket No. 96-98; File No. NSD-L-00-95

Service List

Pamela Arluk  
Focal Communications Corporation  
7799 Leesburg Pike  
Suite 850 N  
Falls Church, VA 22043

Joseph Kahl  
RCN Telecom Services  
105 Carnegie Center  
Princeton, New Jersey 08540

Russel M. Blau  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, DC 20007

Ronald W. Del Sesto, Jr.  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, DC 20007

John T. Scott, III  
Vice-President &  
Deputy General Counsel  
Regulatory Law-Verizon Wireless  
1001 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2582

Nathan T. Foose  
The Rothfelder Law Offices  
625 Central Avenue  
Westfield, New Jersey 07090  
Attorneys for Nextel Communications, Inc.

Lawrence E. Sarjeant  
1401 H Street, N.W.  
Suite 600  
Washington, DC 20005

Linda L. Kent  
1401 H Street, N.W.  
Suite 600  
Washington, DC 20005

I/M/O New Jersey Board of Public Utilities  
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CC Docket No. 96-98; File No. NSD-L-00-95

Service List

Keith Townsend  
1401 H Street, N.W.  
Suite 600  
Washington, DC 20005

John W. Hunter  
1401 H Street, N.W.  
Suite 600  
Washington, DC 20005

Julie L. Rones  
1401 H Street, N.W.  
Suite 600  
Washington, DC 20005

Heikki Leesment, Esq.  
Deputy Ratepayer Advocate  
31 Clinton Street, 11th Floor  
P.O. Box 46005  
Newark, New Jersey 07101

Grace Kurdian, DAG  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

Eugene Provost, DAG  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

John DeLuca, Asst. Director  
Division of Telecommunications  
Board of Public Utilities  
2 Gateway Center  
Newark, New Jersey 07102

Robert Melendez, Bureau Chief  
Division of Telecommunications  
Board of Public Utilities  
2 Gateway Center  
Newark, New Jersey 07102

RECEIVED

JAN 24 2001

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FCC MAIL ROOM

In the matter of:

The New Jersey Board Of Public Utilities' ) CC Docket No. 96-98  
Petition For Delegated Authority To ) File NSD-L-00-95  
Implement Number Conservation Measures )

**MOTION REQUESTING EMERGENT ACTION**

Pursuant to N.J.S.A. 48:2-1 et seq and Reorganization Plan No. 001-1994, 26 N.J.R. 2171 (June 6, 1994) (also set out under N.J.S.A. 13:1D-1), the New Jersey Board of Public Utilities ("BPU") is an administrative agency in, but not of, the Department of Treasury, a principal department established in the executive branch of the Government of the State of New Jersey. The BPU has general supervision and regulation of and jurisdiction and control over all public utilities in the State, including telephone utilities. N.J.S.A. 48:2-13. The FCC has delegated a part of its exclusive jurisdiction over the North American Numbering Plan, which it received through the Telecommunications Act of 1996, 47 U.S.C. § 251, to state commissions, giving state commissions jurisdiction only over area code relief.<sup>1</sup>

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<sup>1</sup> See Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Second Report and Order and Memorandum Opinion and Order, FCC 96-333 (1996), in which the FCC delegated authority to state commissions (continued...)

To enable customers to receive the benefits of measures such as thousands-block number pooling, the Federal Communications Commission ("FCC") has encouraged state public utilities commissions to seek limited delegated authority to implement number conservation measures.<sup>2</sup> The BPU filed a petition with the FCC dated May 25, 2000 seeking authority to implement number conservation measures such as thousands-block number pooling and rationing of NXXs for six months following the grant of area code relief, and it filed a letter update to the above-mentioned petition dated June 14, 2000. A letter was thereafter filed with the FCC dated December 14, 2000, inquiring as to the status of the filing and requesting an expedited review of the petition. As the regulatory agency charged with the oversight of public utilities operating in the State of New Jersey, the BPU has a substantial, direct and vital interest in the efficient allocation of finite numbering resources in the State and in encouraging number conservation to the extent authorized by the FCC. To date, the FCC has not acted on the request. Therefore, the BPU now files this motion requesting emergent action, seeking a response to our petition for delegated authority to implement number conservation

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<sup>1</sup>(...continued)  
to implement area code relief, ¶ 272.

<sup>2</sup> See In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rulemaking, FCC 00-104 (March 31, 2000), ("Report and Order"), ¶169.

measures.

Through thousands-block number pooling, participating carriers can effectively share scarce numbering resources, making the numbering allocation more efficient and ensuring that carriers have greater access to numbers. The FCC has concluded that thousands-block pooling is a powerful numbering optimization strategy, "essential to extending the life of the NANP [North American Numbering Plan] by making the use of NXX codes more efficient."<sup>3</sup>

New Jersey is experiencing a strain on its numbering resources, partly due to the traditional framework of allocating numbering resources in 10,000 blocks rather than the smaller, more efficient 1,000 blocks, which numerous other states have been authorized to use. The BPU seeks to ensure that numbers are made available on an equitable basis and that numbering resources are available on an efficient and timely basis. Therefore, it has requested delegated authority to implement thousands-block pooling commencing immediately upon receiving authorization by the FCC. The BPU seeks the authority to implement a mandatory thousands-block number pooling trial similar to that occurring in other states, in accordance with the industry-adopted thousands-block

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<sup>3</sup> See Report and Order, ¶ 122.

pooling guidelines.<sup>4</sup> No new issues have been raised by New Jersey's petition to implement number conservation measures, including use of a thousands-block number pooling trial.<sup>5</sup> Therefore, the BPU respectfully requests that the FCC grant the authority to implement thousands-block number pooling similar to that granted by the FCC to numerous other states, including our neighboring states of Pennsylvania and New York.

In addition to requesting authority to implement thousands-block number pooling, the BPU's petition also sought authority to ration NXXs for six months following the grant of area code relief as a tool to control the accelerated demand that accompanies the announcement of the area code relief plan and to prevent another declaration of jeopardy immediately following the implementation of area code relief. The Commission has already authorized at least nine states to maintain rationing procedures for six months after the area code relief date<sup>6</sup> and New Jersey

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<sup>4</sup> See Thousand Block (NXX-X) Pooling Administration Guidelines, (INC-99-0127-023) (rev. Nov. 13, 2000), available at <<http://www.atis.org/atis/clc/inc/incdocs.htm>>.

<sup>5</sup> Report and Order, ¶ 170. The FCC delegated authority to the Common Carrier Bureau to rule on such petitions for additional delegated authority when no new issues are raised.

<sup>6</sup> See In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket Nos. 99-200, 96-98, DA 00-1616 (July 20, 2000), ¶ 62, where, in addition to Florida, Massachusetts, and Wisconsin, which had previously been granted the authority to ration for six months following area code relief, the  
(continued...)



reiterates its request for authority to also use this number conservation method.

Even since filing the above-referenced petition with the FCC, the BPU has continued to take an active role in seeking to encourage number conservation in the State. On October 25, 2000, pursuant to authority delegated by the FCC in its Report and Order, the BPU determined to retain and exercise its authority over number reclamation and notified NANPA that it would administer the number reclamation process in New Jersey. The BPU is currently in the process of establishing procedural guidelines to be followed in number reclamation.

The ability to implement number conservation measures and to explore alternatives to the current inefficient number assignment process are critical to optimization of finite numbering resources. The Commission's March 31, 2000 Report and Order sets forth rules to efficiently conserve number resources, but the national plan required an implementation delay of several months until an administrator could be chosen and the national process could start, so the FCC encouraged states to continue to file petitions requesting delegated authority to implement number conservation measures. The BPU therefore requested additional delegated authority to implement the number conservation measures

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<sup>6</sup>(...continued)  
FCC granted similar authority to six other states.

to ensure more effective numbering resource utilization. Through this Motion Requesting Emergent Action on its petition, the BPU respectfully requests that the FCC review and grant the authority sought through its petition in this docket so that the invaluable conservation measures sought to be implemented can be used most efficiently before further depletion of finite numbering resources.

Any communications with respect to this matter should be addressed to:

Grace S. Kurdian  
Eugene P. Provost  
Deputy Attorneys General  
Department of Law and Public Safety  
Division of Law  
124 Halsey Street- 5th Floor  
P.O. Box 45029  
Newark, NJ 07101

Anthony Centrella, Director  
John DeLuca, Assistant Director  
Division of Telecommunications  
New Jersey Board of Public Utilities  
Two Gateway Center  
Newark, NJ 07102

Robert Melendez  
Division of Telecommunications  
New Jersey Board of Public Utilities  
Two Gateway Center  
Newark, NJ 07102

#### **CONCLUSION**

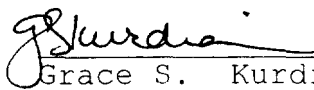
WHEREFORE, for the reasons set forth above, the BPU respectfully requests that the FCC grant the relief sought through this Motion Requesting Emergent Action on the New Jersey Board of

Public Utilities' Petition for Delegated Authority to Implement  
Number Conservation Measures.

Respectfully submitted,

JOHN J. FARMER, JR.  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street- 5th Floor  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the New Jersey  
Board of Public Utilities

Dated: January 23, 2001

By:   
Grace S. Kurdian  
Deputy Attorney General